

STIPULATION

WHEREAS, on March 10, 2011, the Court set April 1, 2011 at 2:30 p.m. as the hearing date for Defendant W. Scott Harkonen's Motion for New Trial Due to Brady Violation ("Brady Motion"); his Motion for New Trial Under Rule 33 for Newly Discovered Evidence, Including the Brief of the United States in *Matrixx Initiatives Inc. v. Siracusano* ("Matrixx Motion"); and for sentencing (ECF 346);

WHEREAS, on March 29, 2011, the Court continued the April 1, 2011 motions hearing and sentencing until April 8, 2011 at 2:30 p.m. (ECF 354);

WHEREAS, lead counsel for Dr. Harkonen has a pre-existing and long-planned trip with his daughter on April 8, 2011, to tour universities on the east coast over her spring break, and as such is not available for the hearing as set by the Court;

WHEREAS, counsel for Dr. Harkonen and the United States have met and conferred regarding the scheduling conflict, and counsel for the United States has agreed to join in a stipulation for a further continuance of the motions hearing and sentencing until April 13, 2011 at 10:00 a.m.;

WHEREAS, counsel for the United States conferred with Ms. Sara Rizer Black, the Probation Officer assigned to this matter from the U.S. Probation Office, who stated that she is available for the proposed April 13, 2011 hearing date at 10:00 a.m.;

WHEREAS, the parties have consulted the Court's calendar posted on its website, which does not show any scheduling conflict for the proposed April 13, 2011 hearing date;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, subject to approval of the Court, that the motions hearing and sentencing, currently on calendar for April 8, 2011, are rescheduled to April 13, 2011 at 10:00 a.m.

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1 Respectfully submitted,

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3 Dated: March 30, 2011

SIDLEY AUSTIN LLP

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5 By: /s/ Mark E. Haddad

6 Mark E. Haddad

7 Attorneys for Defendant
8 W. SCOTT HARKONEN

9 Dated: March 30, 2011

BRIAN J. STRETCH
Acting United States Attorney

10
11 By: /s/ Kyle Waldinger

12 Kyle Waldinger

13 Assistant United States Attorney

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15 **SIGNATURE ATTESTATION**

16 I am the ECF User whose identification and password are being used to file the
17 foregoing Stipulation and [Proposed] Order. In compliance with General Order 45.X.B., I hereby
18 attest that the other signatory has concurred in this filing.

19
20 Dated: March 30, 2011

SIDLEY AUSTIN LLP

21 By: /s/ Mark E. Haddad

22 Mark E. Haddad

23 Attorneys for Defendant
24 W. SCOTT HARKONEN

~~[PROPOSED]~~ ORDER

Upon stipulation of the parties, and good cause appearing, the motions hearing and sentencing, currently on calendar for April 8, 2011, are rescheduled to April 13, 2011 at 10:00 a.m.

IT IS SO ORDERED.

Dated: March 31, 2011

